

Complaints procedures for school governing bodies in Wales
Guidance document no: 011/2012
Date of issue: October 2012

Complaints procedure

Procedure for Dealing with General Complaints

Legal Context

These procedures for dealing with general complaints have been developed by the governing body in compliance with the requirements of Section 29 of the Education Act 2002.

In developing the procedures the governing body has also had regard to the statutory guidance contained in National Assembly for Wales Guidance (Document no: 011/2012 Date of issue October 2012).

1. Introduction

- 1.1 Ysgol y Waun is committed to dealing effectively with complaints. We aim to clarify any issues about which you are not sure. If possible we will put right any mistakes we have made and we will apologise. We aim to learn from mistakes and use that experience to improve what we do.
- 1.2 Our definition of a complaint is ‘an expression of dissatisfaction in relation to the school or a member of its staff that requires a response from the school.’
- 1.3 This complaints procedure supports our commitment and is a way of ensuring that anyone with an interest in the school can raise a concern, with confidence that it will be heard and, if well-founded, addressed in an appropriate and timely fashion.

Separate procedures exist to deal with complaints about: as opposed to
The following issues will not be dealt with as part of these general complaint procedures:

- Refusals to admit a pupil to our school
- Exclusions of pupils from our school (school admissions or exclusions)
- Staff discipline and grievance (inc capability?)
- Child protection
- Complaints about the curriculum
- Complaints about religious education or collective worship
- Provision for pupils’ Special Educational Needs
- School organisation proposals

There are separate protocols for dealing with these issues.

Principles Underpinning the Procedures

The governing body founded these procedures on the following guiding principles:

- **Fairness** – to the complainant and the person(s) being complained about
- **Objectivity** – each complaint will be treated seriously, fairly and impartially
- **Timeliness** – complaints will be dealt with promptly and in accordance with established timescales
- **Improvement** – we will listen to, and act on, complaints and use information received to help us to improve
- **Informality and simplicity** – we expect all parties to help to work to achieve acceptable resolutions of concerns and complaints and to adopt a conciliatory rather than an adversarial approach. We seek to avoid formal “court room” confrontation situations
- **Proportionality** – we encourage resolution of concerns and complaints by informal means wherever possible, though we recognise that more serious complaints are likely to be escalated in accordance with our procedures
- **Clarity** – procedures, processes and all necessary supporting documents will be simple to understand and use
- **Confidentiality** – will be respected at all stages of the process
- **Effectiveness** – we hope that any person who has recourse to use these procedures will feel that they have received a fair hearing and been treated with respect and dignity, even when they may not be totally satisfied with the response that they receive.

Publication of these Procedures

The procedures are publicised in the following ways: -

- A summary will be included in the school prospectus (the summary will include reference to the full document and the fact that it will be made available to anyone who requests a copy).
- The full procedure will be made available to any person who requests a copy.
- All members of staff employed at the school will be provided with copies of the full procedure.
- All members of the school’s governing body will be provided with copies of the full procedure.
- School website
- Home-school agreement
- Newsletters

Consultation

Initially, in developing these procedures we have consulted the school's stakeholders in the following ways:

- Parents – were consulted in establishing this policy?
- Staff – were consulted during the regular staff meeting programme
- Governors – were involved in drafting the original procedures and agreeing this final version.
- Pupils – were consulted through the School Council?

2. When to use this procedure

2.1 When you have a concern or make a complaint we will usually respond in the way we explain below. Sometimes you might be concerned about matters that are not decided by the school, in which case we will tell you who to complain to. At other times you may be concerned about matters that are handled by other procedures, in which case we will explain to you how your concern will be dealt with.

2.2 If your concern or complaint is about another body as well as the school (for example the local authority) we will work with them to decide how to handle your concern.

3. Have you asked us yet?

3.1 If you are approaching us for the first time you should give us a chance to respond. If you are not happy with our response then you may make your complaint using the procedure we describe below. Most concerns can be settled quickly just by speaking to the relevant person in school, without the need to use a formal procedure.

4. What we expect from you

4.1 We believe that all complainants have a right to be heard, understood and respected. But school staff and governors have the same right. We expect you to be polite and courteous. We will not tolerate aggressive, abusive or unreasonable behaviour. We will also not tolerate unreasonable demands or unreasonable persistence or vexatious complaining.

5. Our approach to answering your concern or complaint

5.1 We will consider all your concerns and complaints in an open and fair way. You can expect us to be polite and courteous, we will not behave in an aggressive, abusive or unreasonable manner.

5.2 At all times the school will respect the rights and feelings of those involved and make every effort to protect confidential information.

5.3 Timescales for dealing with your concerns or complaints may need to be extended following discussion with you.

5.4 We may ask for advice from the local authority where appropriate.

- 5.5 Some types of concern or complaint may raise issues that have to be dealt with in another way (other than this complaints policy), in which case we will explain why this is so, and will tell you what steps will be taken.
- 5.6 The governing body will keep the records of documents used to investigate your concern or complaint for seven years after it has been dealt with. Records will be kept in school and reviewed by the governing body after seven years to decide if they need to be kept for longer.
- 5.7 Complaints that are made anonymously will be recorded but investigation will be at the discretion of the school depending on the nature of the complaint.
- 5.8 Where complaints are considered to have been made only to cause harm or offence to individuals or the school, the governing body will ensure that records are kept of the investigations that are made and what actions are taken, including the reasons for 'no action'.

6. Answering your concern or complaint

- 6.1 The chart in Appendix A shows what may happen when you make a complaint or raise a concern. There are up to three Stages: A, B and C. Most complaints can be resolved at Stages A or B. You can bring a relative or companion to support you at any time during the process but you will be expected to speak for yourself. However, we recognise that when the complainant is a pupil it is reasonable for the companion to speak on their behalf and/or to advise the pupil.
- 6.2 As far as possible, your concern or complaint will be dealt with on a confidential basis. However, there could be occasions when the person dealing with your concern or complaint will need to consider whether anyone else within the school needs to know about your concern or complaint, so as to address it appropriately.
- 6.3 If you are a pupil under 13 and wish to raise a concern or bring a complaint we will ask for your permission before we involve your parent(s) or carer(s). If you are a pupil under 13 and are involved in a complaint in any other way, we may ask your parent(s) or carer(s) to become involved and attend any discussion or interview with you.

Stage A

- 6.4 If you have a concern, you can often resolve it quickly by talking to the teacher. You should raise your concern as soon as you can; normally we would expect you to raise your issue within 10 school days of any incident. The longer you leave it the harder it might be for those involved to deal with it effectively.

- 6.5 If you are a pupil, you can raise your concerns with your school council representative, or your teacher. This will not stop you, at a later date, from raising a complaint if you feel that the issue(s) you have raised have not been dealt with properly.
- 6.6 We will try to let you know what we have done or are doing about your concern normally within 10 school days, but if this is not possible, we will talk to you and agree a revised timescale with you.
- 6.7 The person overseeing your concern or complaint will keep you informed of the progress being made. This person will also keep a log of the concern for future reference.

Stage B

- 6.8 In most cases, we would expect that your concern is resolved informally. If you feel that your initial concern has not been dealt with appropriately you should put your complaint in writing to the headteacher.
- 6.9 We would expect you to aim to do **this within five school days of receiving a response to your concern as it is in everyone's interest to resolve a complaint as soon as possible**. There is also a form attached (**Appendix B**) that you may find useful. If you are a pupil we will explain the form to you, help you complete it (if necessary) and give you a copy.
- 6.10 If your complaint is about the headteacher, you should put your complaint in writing to the chair of governors, addressed to the school, to ask for your complaint to be investigated.
- 6.11 If you are involved in any way with a complaint, the headteacher or chair of governors will explain what will happen and the sort of help that is available to you.
- 6.12 The headteacher or chair of governors will invite you to discuss your complaint at a meeting. Timescales for dealing with your complaint will be agreed with you. We will aim to have a meeting with you and to explain what will happen, normally within 10 school days of receiving your letter. The school's designated person will complete the investigation and will let you know the outcome in writing within 10 school days of completion.

Stage C

- 6.13 It is rare that a complaint will progress any further. However, if you still feel that your complaint has not been dealt with fairly, you should write, through the school's address, to the chair of governors setting out your reasons for asking the governing body's complaints committee to consider your complaint. You do not have to write down details of your whole complaint again.

- 6.14 If you prefer, instead of sending a letter or e-mail, you can talk to the chair of governors or headteacher who will write down what is discussed and what, in your own words, would resolve the problem. We would normally expect you to do this within five school days of receiving the school's response. You will be asked to read the notes or will have the notes read back to you and then be asked to sign them as a true record of what was said. We will let you know how the complaint will be dealt with and will send a letter to confirm this. The complaints committee will normally have a meeting with you within 15 school days of receiving your letter.
- 6.15 The letter will also tell you when all the evidence and documentation to be considered by the complaints committee must be received. Everyone involved will see the evidence and documentation before the meeting, while ensuring that people's rights to privacy of information are protected. The letter will also record what we have agreed with you about when and where the meeting will take place and what will happen. The timescale may need to be changed, to allow for the availability of people, the gathering of evidence or seeking advice. In this case, the person dealing with the complaint will agree a new meeting date with you.
- 6.16 Normally, in order to deal with the complaint as quickly as possible, the complaints committee will not reschedule the meeting more than once. If you ask to reschedule the meeting more than once, the committee may think it reasonable to make a decision on the complaint in your absence to avoid unnecessary delays.
- 6.17 We will write to you within 10 school days of the meeting explaining the outcome of the governing body's complaints committee's consideration.
- 6.18 We will keep records of all conversations and discussions for the purpose of future reference and review by the full governing body. These records will be kept for a minimum of seven years.

Investigating Complaints at Stage C

Some complaints will be complex or serious enough to need to be formally investigated. Consideration will be given to balancing the need to respond quickly with ensuring that any matter raised has a full investigation at this stage.

The committee conducting the investigation will not include the person(s) complained against nor will they be involved in dealing with the complaint at a later stage. It is essential for all parties that once an investigation has begun, which usually involves interviewing people, everything is properly recorded and dated and that all formal evidence is collated and analysed before judgements are made and reported to the complainant.

6.20 The governing body's complaints committee is the final arbiter of complaints.

7. Special circumstances

7.1 Where a complaint is made about any of the following the complaints procedure will be applied differently.

i. **A governor or group of governors**

The concern or complaint will be referred to the chair of governors for investigation. The chair may alternatively delegate the matter to another governor for investigation. Stage B onwards of the complaints procedure will apply.

ii. **The chair of governors or headteacher and chair of governors**

The vice chair of governors will be informed and will investigate it or may delegate it to another governor. Stage B onwards of the complaints procedure will apply.

iii. **Both the chair of governors and vice chair of governors**

The complaint will be referred to the clerk to the governing body who will inform the chair of the complaints committee. Stage C of the complaints procedure will then apply.

iv. **The whole governing body**

The complaint will be referred to the clerk to the governing body who will inform the headteacher, chair of governors, local authority and, where appropriate, the diocesan authority. The authorities will usually agree arrangements with the governing body for independent investigation of the complaint.

v. **The headteacher**

The concern or complaint will be referred to the chair of governors who will undertake the investigation or may delegate it to another governor. Stage B onwards of the complaints procedure will apply.

7.2 In all cases the school and governing body will ensure that complaints are dealt with in an unbiased, open and fair way.

The Remit of The Complaints Committee

The committee can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems, policies or procedures to ensure that problems of a similar nature do not recur.

There are a number of important principles that any governor sitting on a complaints committee will be required to adhere to:

- a. It is important that the complaint hearing is **independent** and **impartial** and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the committee, governors will try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which will be held in private, will always be to **resolve** the complaint and to seek to achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations that will satisfy the complainant that his or her complaint has been taken seriously.
- c. The complaints committee will be **sensitive** to the likelihood that the complainant(s) may feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The committee chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care will be taken to ensure the setting is informal and not adversarial.
- d. Extra care will be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will seek to ensure that the child does not feel intimidated. The committee will be aware of the views of the child and give them **equal consideration** to that which would be afforded to adults. Where the child's parent is the complainant, he/she will be given the opportunity to say which parts of the hearing, if any, they believe the child needs to attend.

Notification of the Committee's Decision

The chair of the committee needs to ensure that the complainant is notified of the committee's decision, in writing. This is usually within a set deadline, which is publicised in the procedure. See Appendix 1. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

The Role of the Clerk of the complaints' Committee

The clerk will be the contact point for the complainant and will be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties in advance of the hearing
- notifying the complainant of the decision of the complaints committee.

The Role of the Chair of the Governing Body or the Nominated Governor

The nominated governor will be expected to:

- ensure that the correct procedures have been followed;
- if a hearing is appropriate, notify the clerk to arrange the committee meeting;

The Role of the Chair of the Complaints Committee

- The Chair of the Committee has a key role in ensuring that:
- the remit of the committee is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is objective and acts fairly and independently;
- no member of the panel has a vested interest in the outcome of the proceedings or had any prior involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises the chair will give all parties the opportunity to consider and comment on it.

The Role of the (LA)

The LA has no statutory role in investigating or resolving complaints about schools. Such matters are the exclusive responsibility of the school's governing body. If any person approaches the LA with a complaint about a school, they will be advised to contact the school and to follow the school's own complaints procedures.

If the complainant is not satisfied with the outcome of the school's procedures, there is no right of appeal to the LA.

The Role of the Welsh Government (WG)

If the complainant remains dissatisfied with the response of the governing body, he or she has the right to refer the matter of the Welsh Government on the grounds that the governing body had acted, or was proposing to act, unreasonably. This could lead to the issuing of a direction against the governing body.

A direction does not normally overturn a governing body decision but can require a governing body to reconsider a matter or consider it for the first time if it has failed to do so, or to amend its process to ensure it does not happen again.

The Courts have defined ‘unreasonable’ as action which no sensible authority acting with due appreciation of its responsibilities would have decided to adopt.

The Role of the Commissioner for Local Administration in Wales (The Ombudsman)

The responsibilities of schools governing bodies fall outside the remit of the Local Government Ombudsman. Consequently, if a complainant is dissatisfied with the response of the governing body, it is not appropriate to refer the complaint to the Ombudsman.

The Role of the Children’s Commissioner for Wales

The Commissioner may review arrangements made for dealing with complaints to make sure that they are working effectively in the best interests of children.

The Commissioner has a right to require information, explanations and assistance in relation to action taken in response to an individual complaint.

The Commissioner does not, however, take the place of existing complaints procedures nor act as an avenue of appeal

Timescales

In general, our expectation is that complaints will be dealt with in accordance with the following timescales:

Stage A Complaints

- Will be investigated and a response provided within ten school days

Stage B Complaints

- Will be investigated and a response provided within five school days

Stage C Complaints

- Will be formally acknowledged within five school days
- Will be considered by a meeting of the governing body’s complaints committee within 15 school days of receipt
- Decisions of complaint committee hearings, including reasons and any actions to be taken in response to the complaint, will be sent, in writing, to the complainant within 10 school days.

The governing body’s complaints committee is the final arbiter of complaints.

In some cases, for example where a complaint is particularly complex, needs detailed investigation, or where essential witnesses who need to be interviewed are unavailable, it is recognised that it may not be possible for these timescales to be complied with.

In such circumstances complainants will be notified, in writing, of the reasons for the delay and given an anticipated response date.

8. Our commitment to you

- 8.1 We will take your concerns and complaints seriously and, where we have made mistakes, will try to learn from them.
- 8.2 If you need help to make your concerns known we will try and assist you. If you are a young person and need extra assistance the Welsh Government has established MEIC which is a national advocacy and advice helpline for children and young people. Advice and support can also be accessed from the Children's Commissioner for Wales.
- 8.3 The governing body has consulted with staff and pupils on this policy and will consult further if any amendments are made in the future.

Staff Awareness

All members of staff at our school have been made aware of this procedure to ensure that understand how they may be involved in handling complaints – especially at Stage A.

All new members of staff will receive the procedures as part of their formal induction programme.

Governor Awareness and Training

Members of the governing body, particularly those who may be expected to serve as members of a complaints committee will need to be fully conversant with these complaints procedures and the content of Welsh Government Guidance Document no: 011/2012.

Recording, Monitoring and Evaluation

All written complaints will be formally recorded. Each term the Headteacher will provide a summary report to the governing body of complaints received. These summary reports will enable governors to monitor:

- the number of complaints received;
- the subjects of the complaints;
- any trends or areas for concern.

As part of the process of monitoring, the governing body will evaluate whether the procedures are effective in meeting their purpose and fulfilling the principles upon which they are founded.

Data Protection and Freedom of Information

All complaints containing information relating to individual pupils, parents, member of staff, governors or any other named person (or who could be identified from the information included in the complaint) will be subject to compliance with the Data Protection Act 1998.

Consequently, all such information will be treated as exempt from disclosure under the terms of the Freedom of Information Act.

Formal Agreement and Regular Review

These procedures were formally agreed by the Governing Body and will be reviewed biennially.

If, in the light of the operation of these procedures, it is determined that change is appropriate the necessary amendments will be made between regular review periods.

MEIC may be contacted by freephone: 0808 802 3456, or text: 84001. This service is operated 24 hours a day.

The Children's Commissioner for Wales can be contacted by freephone: 0808 801 1000 (Monday to Friday 9a.m. to 5p.m.), text: 80 800 (start your message with COM) or e-mail: advice@childcomwales.org.uk

.....
Chair of Governing Body

.....
Date of Acceptance

Review Date 2015

Date sent to the local authority:

.....
[there is no statutory requirement to do this, but it is good practice]

General Complaint Procedure – Summary

